

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EUCLIDES SOTO, LOUIS A. MARTINEZ,)	CIVIL ACTION
JOSE RAMIREZ, CLEMENTE HERNANDEZ,)	NO.: 04-10892-JLT
CESAR PIZARO, ELISON PENA,)	
JUAN COLON, JOSE ORTIZ,)	
RAFAEL TORRES, ANGEL BAEZ,)	
ANTONIO MARTINEZ, WILFREDO ORTIZ,)	
EULOGIO ORTIZ, MIRRRAIN MIRANDA,)	
RAFAEL MORENO, NELSON ACEVEDO,)	
and RAMON RODRIGUEZ,)	
Plaintiffs,)	
)	
v.)	
)	
SHERMAN-FEINBERG CORPORATION,)	
FARNSWORTH FIBRE CORPORATION,)	
UNITED STEELWORKERS OF AMERICA,)	
LOCAL 421-U, AND UNITED STEELWORKERS)		
OF AMERICA,)	
Defendants.)	
)	

**PLAINTIFF'S PRELIMINARY LIST OF WITNESSES AND EXHIBITS FOR
TRIAL PRESENTED UNDER THE PROVISIONS OF FED. R. CIVIL
PROCEDURE 26(a)**

Now come the plaintiffs and submit the following:

I. LIST OF WITNESSES:

1. Lowell Alexander of Milford, MA;
2. Kenneth Doucette of Malden, MA;
3. Nelson Acevedo of Dorchester, MA;
4. Angel Baez of Dorchester, MA;
5. Miriam Caminero, Roslindale, MA;
6. Clemente Hernandez of Dorchester, MA;

7. Antonio Martinez of Jamaica Plain, MA;
8. Luis A. Martinez of Roslindale, MA;
9. Jose E. Ortiz of Dorchester, MA;
10. Eulogio Ortiz of Dorchester, MA;
11. Juan R. Colon Ortiz of Boston, MA;
12. Wilfredo C. Ortiz of Dorchester, MA;
13. Elison Pena of Dorchester, MA;
14. Cesar Narciso Pizarro of Dorchester, MA;
15. Jose D. Ramirez Dorchester, MA;
16. Ramon Rodriguez of Florida;
17. Euclides Soto of Brockton, MA; and
18. Rafael Torres of Dorchester, MA.
19. Theresa Merrill Stone, Esq. (probably her testimony will be by stipulation as it involves receipt of notices.)

II. LIST OF DOCUMENTS: (All produced along with Affidavit of Robert O. Berger in Motion for Summary Judgment proceedings)

1. Demand on Union to bargain, March 4, 2004;
2. Response of Union, March 18, 2004;
3. Revised Demand of April 1, 2004;
4. Final response of Union, April 7, 2004;
5. Demand for financial information without follow up, November 1, 2002;
6. Payroll Audits of Farnsworth Fibre, September 24, 2001 and November 30, 2001; -Separate pension fund collection in Trevose, Pennsylvania, i.e. not Boston area;
7. Pay-stub of Lowell F. Alexander, March 15, 2005; i.e. high paid steelworker;
8. MCAD Charge Forms;

9. Amended Complaint and Demand for Jury Trial for pattern and practice of continuous discrimination (see Paragraph 24);
10. Constitution of International Union of August 7, 2002;

Collective Bargaining Agreements and Severance Agreements

11. Fully executed Collective Bargaining Agreement with income breakdown of Plaintiffs, dated November 1, 2002 to October 31, 2006;
12. Collective Bargaining Agreement of November 1, 2002 to October 31, 2006 in Spanish, delivered **AFTER** collective bargaining agreement, i.e. subsequent negotiations;
13. Pension and Severance Agreement of Rosbro Plastics Company and Local Union No. 680, February 18, 1990;
14. Labor Agreement between Beebe Rubber Company and Local Union No. 570, United Steelworkers of America, August 1, 1998 to July 31, 2001;
15. Agreement between Sealy Mattress Company and United Steelworkers of America, AFL-CIO, CLC, Upholsterers' and Allied Industries Division, Local Union No. 421-U, 2002-2005;

Respectfully submitted,

Dated: February 16, 2006

/s/ Robert O. Berger
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Attorney for Plaintiffs

/s/ John Lee Diaz
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by electronic transfer on the attorney of record for each party on February 16, 2006.

Dated: February 16, 2006

/s/ Robert O. Berger
Robert O. Berger (BBO#: 038900)

Assessment of Damages*Euclides Soto, et. al. v. Sherman-Feinberg, et. al.*

	Lost Wages	Future Wages	Emotional Distress	Punitive	Total Damages
Unemployed					
Each Plaintiffs	\$60,000	\$150,000	\$400,000	\$200,000	\$810,000
5 Plaintiffs					\$4,050,000
Unemployable					
Each Plaintiff	\$60,000	\$175,000	\$400,000	\$200,000	\$835,000
7 Plaintiffs					\$5,845,000
Mixed					
Each Plaintiff	\$40,000	\$120,000	\$400,000	\$200,000	\$760,000
5 Plaintiffs					\$3,800,000

Grand Total **\$13,695,000.00**